



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA3018

**Objector:** A parent

**Admission Authority:** Westbrook Primary School Academy Trust,  
Hounslow

**Date of decision:** 22 September 2015

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined for Westbrook Primary School for admissions in September 2016.**

**I have also considered the arrangements in accordance with section 88I(5) of the Act and there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.**

**By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of this determination.**

### **The referral**

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection has been referred to the Adjudicator by a parent (the objector) about the determined arrangements for admissions in September 2016 (the arrangements) for Westbrook Primary School in the London Borough of Hounslow (the local authority). The objection concerns whether or not the school's arrangements comply with the School Admissions Code (the Code) with respect to the admission of children below compulsory school age, and the admission of children outside of their chronological year group.

### **Jurisdiction**

2. The terms of the academy agreement between Westbrook Primary School Academy Trust (the trust) and the Secretary of State for Education require that the admissions policy and arrangements for the school are in accordance with admissions law as it applies to maintained schools. The arrangements were

determined by the governing body on behalf of the academy trust which is the admission authority for the school on this basis. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and that it is within my jurisdiction to consider this objection. I have also used my power under s88I of the Act to consider the arrangements as a whole.

## **Procedure**

3. In considering this matter I have had regard to all relevant legislation and the Code.
4. The documents I have considered in reaching my decision include:
  - a. the form of objection of 30 June 2015 including a hyperlink to the 2016 admission arrangements for academy and voluntary aided primary schools on the local authority's website;
  - b. the determined arrangements for the school downloaded from the local authority's website;
  - c. the school's response of 15 July 2015 with attachments and subsequent correspondence in the period to 8 August 2015;
  - d. responses from the local authority on 16 and 21 July 2015; and
  - e. a further email from the objector on 27 July 2015.

## **The Objection**

5. The objector stated that the school's arrangements as published on the local authority's website do not comply with the Code with respect to the admission of children below compulsory school age (paragraph 2.16) and the admission of children outside of their chronological year group (paragraph 2.17).

6. The objector was also concerned that "*no mention of the process as detailed in paragraphs 2.17A and 2.17B is mentioned.*" However, my role as adjudicator is to consider the determined arrangements and whether the level of detail is appropriate and sufficient, but not to consider the detail about any procedural matters. Further consideration of concerns relating to paragraphs 2.17A and 2.17B is therefore beyond the scope of this determination.

## **Other matters**

7. In reviewing the arrangements as a whole I noticed other matters that appeared to contravene the requirements of the Code including the lack of a published admission number (the PAN), and inadequate information about the waiting list.

## **Background**

8. The school converted to become a state-funded, independent academy school for boys and girls aged 3 to 11 years on 1 July 2013, replacing the predecessor school of the same name which ceased to be a maintained community

school on that date. The funding agreement confirms that this primary academy has a planned capacity of 562 pupils including a nursery unit of 52 (or 26 full-time equivalent) places, and there is provision for up to ten students with a visual impairment.

9. On its website, the school describes itself as *“a welcoming, inclusive academy school. We are a diverse and vibrant learning community with children from a wide range of cultural backgrounds and are dedicated to providing an environment where everyone feels valued and safe. By providing an interesting and creative curriculum which engages our children, we aim to develop lively and enquiring minds that acquire knowledge and skills relevant to their needs...We see parents as partners in the education of their children, and greatly value their contribution to school life.”*

### Consideration of Factors

10. Paragraph 1.46 of the Code that *“all admission authorities **must** determine (i.e. formally agree) admission arrangements every year, even if they have not changed from previous years and a consultation has not been required. Admission authorities **must** determine admission arrangements for entry in September 2016 by **15 April 2015** and for all subsequent years, by **28 February** in the determination year.”*

11. Although no changes had been made, the arrangements were included in the local authority's consultation process regarding the 2016 arrangements for academy and maintained schools during the period 12 December 2014 to 13 February 2015. The school confirmed in its email of 6 August 2015 that there were no responses to the consultation and no changes were required. The chair of governors confirmed in an email of 8 August 2015 that the arrangements had been reviewed by the governing body and it was agreed that no changes were necessary, but the decision had not been recorded in the minutes.

12. Paragraph 1.47 of the Code states that *“once admission authorities have determined their admission arrangements, they **must** ... send a copy of their full, determined arrangements to the local authority... for entry in September 2016 as soon as possible before **1 May 2015**, and for all subsequent years, as soon as possible before **15 March** in the determination year.”* I have taken the arrangements published on the local authority's website, which are also available on the school's website, as the determined arrangements for the school.

13. The objector was concerned that the arrangements published for the school on the local authority's website at the time of the objection did *“not contain any information relevant to the admission of children below compulsory school age”* which contravenes paragraph 2.16 of the Code.

14. Paragraph 2.16 of the Code states that *“admission authorities ... **must** make it clear in their arrangements that, where they have offered a child a place [in Year R] at a school:*

*a) that child is entitled to a full-time place in the September following their fourth birthday;*

*b) the child's parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and*

*c) where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age."*

15. The term "compulsory school age" is detailed further at footnote 49 to paragraph 2.16 which explains that *"a child reaches compulsory school age on the prescribed day following his or her fifth birthday (or on his or her fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August."*

14. I have reviewed the school's arrangements that were published on the local authority's website at the time of the objection, and it is clear that the arrangements make no mention at all of the mandatory information required by paragraph 2.16. I therefore uphold this part of the objection.

15. The objector was also concerned that the arrangements did *"not contain any information relevant to the admission of children outside of their chronological year group"* which contravenes paragraph 2.17 of the Code.

16. Paragraph 2.17 of the Code states that *"parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group."*

17. Having reviewed the arrangements, there is no mention at all of the mandatory information required by paragraph 2.17 concerning how parents request admission for their child out of the normal age group. I therefore uphold this part of the objection.

18. The local authority confirmed in an email of 16 July 2015 that with respect to paragraphs 2.16 and 2.17 of the Code it had drafted guidance which had not been part of the earlier consultation, and this guidance had been *"emailed very recently"* to schools in the local authority's area *"for guidance or inclusion in their arrangements."* The local authority confirmed that *"Westbrook Primary has chosen to adopt the LA policy and reference will need to be made in the School's arrangements, on the school's website and in the LA composite prospectus which will be available in September 2015."* In the further email of 21 July 2015, the local authority added that it was *"aware that the school intended to use the 2016 arrangements that the local authority use and although omitted from the current published arrangements, they will ensure that they include wording on the delayed, deferred admission and chronological age."*

19. The minutes of the meeting of 13 July 2015 of the school's executive committee state that *"the local authority administers admissions to the school"* and the school stated in the email of 30 July 2015 that the *"admission policy has not changed... we follow the local authority's policy and criteria for admission into our school and always have done – this has not changed. The local authority manages our admissions...the local authority policy allows parents to have part-time/ delay/ defer the start date of their child entering into reception classes. Further guidance was recently sent to all schools which restates this position. We have added this guidance to our website and as an appendix to our policy (but have not changed our policy). It is clear that should a parent want to delay/ defer/ have part-time for their child then this would be provided for."*

20. I acknowledge that the school has now published on its website a new document *"Starting School – defer, delay or part-time July 2015"* (the guidance) which does provide the mandatory information required by paragraphs 2.16 and 2.17 of the Code. However, the guidance has been published as a document separate from the admissions policy on the website, and it is therefore not obvious that it is part of the 2016 arrangements. For parents to know that this document is part of the 2016 arrangements, it needs to be relabelled to link it with the admissions policy or incorporated into it as an appendix.

21. The school has chosen to adopt the local authority's arrangements for community and voluntary controlled schools and the local authority also manages the admissions process for the academy trust. This is not unusual for an academy school that had previously been a community school. However, the school's admission authority is the governing body on behalf of the academy trust, and not the local authority. So, it is for the admissions authority to satisfy itself that the arrangements comply with the Code before it determines the arrangements every year.

## **Other matters**

22. In reviewing the arrangements I noticed that there were other aspects that appeared not to comply with the requirements relating to admission arrangements.

23. The arrangements do not make clear that the waiting list will be maintained until at least **31 December 2015**, which is a requirement of paragraph 2.14 of the Code.

24. Paragraph 1.2 of the Code states that *"as part of determining their admission arrangements, all admission authorities **must** set an admission number..."* This number for Year R must therefore be included in the arrangements.

25. Towards the end of the arrangements there is the comment that *"each Hounslow primary school has a duty to admit a child with a statement of special educational needs naming the school."* However, in accordance with paragraph 1.6 of the Code, it would be helpful to parents to include a clearer statement in the introductory paragraphs, before the oversubscription criteria are listed, that children

with a statement of special educational needs or an education health care plan that names the school will be admitted.

### **Conclusion**

26. The arrangements at the time the objection was made did not comply with paragraph 2.16 of the Code because there was no mention of the options for deferred entry to Year R or part-time provision for children below compulsory school age. I uphold this part of the objection.

27. Furthermore, the arrangements did not comply with paragraph 2.17 of the Code because there was no mention of how a parent may request admission for his/her child outside of the normal age group. I also uphold this part of the objection.

28. I acknowledge that additional guidance is now available on the school's website that will inform parents about the mandatory information required by paragraphs 2.16 and 2.17 of the Code. This guidance needs to be incorporated clearly into the arrangements on the school's website

29. As the arrangements at the time of the objection did not include the mandatory information required by paragraphs 2.16 and 2.17 of the Code, I uphold this objection. I found other matters that do not comply with the Code and therefore the arrangements need to be amended within two months.

### **Determination**

30. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined for Westbrook Primary School for admissions in September 2016.

31. I have also considered the arrangements in accordance with section 88I(5) of the Act and there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

32. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of this determination.

Dated: 22 September 2015

Signed:

Schools Adjudicator: Ms Cecilia Galloway